

MEMO

TO: THE MEMBERS OF THE MICHIGAN HOUSE OF REPRESENTATIVES COMMITTEE ON FAMILIES, CHILDREN AND SENIORS

FROM: Nick Ciaramitaro, Director of Legislation and Public Policy
Michigan AFSCME Council 25

DATE: May 24, 2011

RE: House Bill 4003

Michigan AFSCME Council 25 opposes House Bill 4003 as harmful to the rights of child care and other workers to organize and bargain collectively over important working conditions and other matters affecting their lives and their livelihood. Prohibiting a group of workers from working together to improve their profession and their lives runs counter to economic freedom and justice. No workers have been "forced" to join a union as claimed by the proponents of this legislation. Rather the bill seeks to deprive a group of workers who have expressed their desire to form a collective bargaining unit from doing so.

House Bill 4003 amends the Public Employees Relations Act (PERA) to specifically exclude from its provisions workers who receive a government subsidy. The bill ignores changes in the economy of the State and the needs of new classes of workers.

Michigan's changing economy has created new, non-traditional jobs. Where work is performed, how it is compensated and the needs of workers and those for whom they work alike are changing. One of the emerging jobs is that of child care worker. This new profession was generated by public policy changes in the 1990's involving assistance to the unemployed and underemployed. What was then known as "Welfare to Work" programs developed and required public assistance recipients to engage in work or work training to continue to qualify for assistance. As many of those receiving assistance were single parents of young children, the effort created a need for child day care greater than exists. Added to the increased need was the fact that those in greatest need of this service were people unable to meet the cost of child care as they were engaged in unpaid work preparation programs or low wage entry-level jobs.

At first the result was a number of children being left without supervision. The State of Michigan realized that no supervision was harmful to the child and posed a risk to the community. Therefore, Michigan created a subsidized child day care program.

While the original intent was only to partially offset the cost of child care for those transitioning from welfare to work, it soon became clear that the "reimbursements" provided by the State were in fact the total compensation paid to many child care workers. And the subsidies were expected to cover not only the sustenance of the worker but food and shelter and school preparedness for the children as well.

In 2006, child care workers throughout the State of Michigan decided to form a union known as Child Care Providers Together – Michigan (CCPTM). Out of 40,532 home based child care workers receiving a “subsidy” from the State, 22,180 signed cards authorizing “Child Care Providers Together Michigan” to serve as their “exclusive representative to collectively bargain or discuss my working conditions.” PERA provides that if a significant number (generally held to be at least 30%) of a group of workers authorize an exclusive representative, an election will be held. Here 54.75% had indicated their intent.

The Michigan Employment Relations Commission then sent out ballots to ALL child care workers receiving state reimbursement asking whether they wanted to be represented by CCPTM or whether they wished not to have a union. The union won by a vote of 92% to 8%.

I have attached documentation of both of these events plus documentation of a second election conducted by mail by CCPTM asking for ratification of a contract between CCPTM and MHBCCC. Ballots were again mailed to ALL child care workers receiving state reimbursement and the contract was adopted by a vote of 4806 to 78 (with 22 spoiled ballots).

Much has been said about the fact that some qualified voters did not vote. Just as in elections for public office, those not voting are not counted. If we did otherwise, we would rarely be able to elect a Legislature!

Members of CCPTM pay dues at a reduced level of 1.15% of their earnings. While all home based child care workers are entitled to representation by CCPTM whether a member or not, any worker can choose to opt out of membership at any time. CCPTM may legally collect only a fair share fee from those who opt out of membership for the cost of negotiating and implementing any contract on their behalf.

Join CCPTM today!
Michigan's Child Care Providers.



Worksheet
Return this card to CCPTM
1-888-867-8299
www.providerstogether.org

YES! I want to join with home-based child care providers throughout Michigan to improve our jobs as well as the quality of care we provide!

YES! I authorize Child Care Providers Together Michigan as my exclusive representative to collectively bargain or discuss my working conditions.

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In the Matter of

Department of Human Services
State of Michigan
(Child Development & Care Program)

-and -

Child Care Providers Together Michigan
AFSCME/UAW, AFL-CIO
(CCPTM)

TALLY OF AUTHORIZATION CARDS

On April 11-13, 2006, the undersigned conducted an examination of individually signed authorizations, none more than twelve (12) months old, for the purpose of determining whether a majority of the child care providers receiving reimbursement payments from the Michigan Child Development & Care Program (CDC), administered by the Department of Human Services, has authorized Child Care Providers Together Michigan (CCPTM) to be their exclusive majority collective bargaining representative.

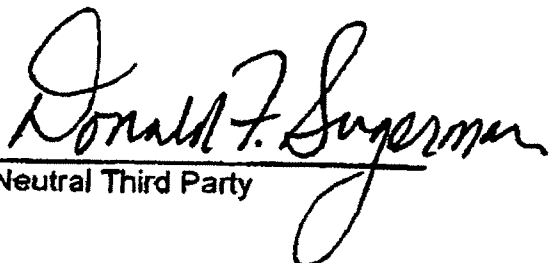
The tally of authorization cards is as follows:

Number of providers
on eligibility list 40,532

Number of valid
provider-signed authorization
cards submitted 22,190

Based on the foregoing tally, the undersigned hereby certifies that CCPTM is the exclusive majority representative of child care providers receiving reimbursement payments through the CDC Program.

Date: April 13, 2006


Neutral Third Party

CERTIFICATION OF RESULTS

In the Matter of

Department of Human Services
State of Michigan
(Child Development & Care Program)

-and -

Child Care Providers Together Michigan
AFSCME/UAW, AFL-CIO
(CCPTM)

Representation Issue

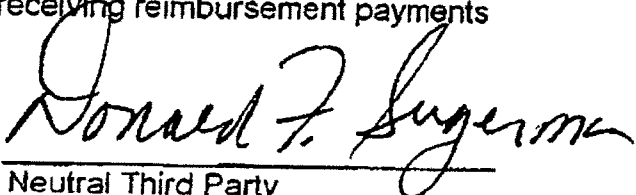
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The results are certified to be as follows:

1. The eligibility list contained the names of 40,532 providers receiving reimbursement payments for the month of January 2006, the most recent month for which a complete list was available from the Michigan Department of Human Services (DHS).
2. DHS made available for review a list of all providers receiving reimbursement from the CDC Program under the following job classifications: (1) group day care providers; (2) family day care providers; (3) relative care providers; and (4) day care aides.
3. CCPTM submitted for examination individually signed authorization cards from persons whose names appear on the eligibility list in the job classifications set forth in paragraph 2.
4. The undersigned compared the submitted cards with the eligibility list and determined that more than 50% + 1 (i.e. more than 20,267 providers) had authorized the CCPTM to be their exclusive majority representative.

Based on the foregoing, the undersigned hereby certifies that CCPTM is the exclusive majority representative of child care providers receiving reimbursement payments through the CDC Program.

Date: April 13, 2006


Neutral Third Party



TABULATION OF ELECTION RESULTS
MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH
Employment Relations Commission
Labor Relations Division

AUTHORITY: P. A. 380 OF 1965
As Amended

Michigan Home Based Child Care Council

- and -

Child Care Providers Together MI AFSCME/UAW

Case No: R06 I-106

Consent Election

The following is a tabulation of the ballots cast in the election in the above matter, conducted and supervised by the undersigned Commission Agent on **November 14, 2006**.

YES

NO

5,921
475

Challenged Ballots

TOTAL

Spoiled Ballots

6,396
234

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Commission Agent

The undersigned acted as authorized observers in the casting, counting and tabulating of ballots indicated above.

WE HEREBY CERTIFY that the entire election was conducted in a fair and impartial manner in our presence, that the counting and tabulating were fairly and accurately done and that the results were as indicated above.

Child Care Providers Together MI AFSCME/UAW

Amber Lee B. Brown
For the Union

Michigan Home Based Child Care Council

NOT PRESENT
For the Employer

For the Union

For the Union

Dated: 11-14-06

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap, or political beliefs.



CERTIFICATION OF REPRESENTATIVE
MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH
Employment Relations Commission
Labor Relations Division

AUTHORITY: P. A. 380 OF 1965
As Amended

Michigan Home Based Child Care Council

- and -

Child Care Providers Together MI AFSCME/UAW

Case No. R06 I-106

Consent Election

An election having been conducted in the above matter by an Agent of the Michigan Employment Relations Commission in accordance with the Rules and Regulations of the Commission, and it appearing from the tabulation of election results that a collective bargaining representative has been selected.

Pursuant to authority vested in the Michigan Employment Relations Commission, **IT IS HEREBY CERTIFIED** that

Child Care Providers Together MI AFSCME/UAW

Has been designated and selected by a majority of the employees of the above-named employer, in the unit described below, as their representative for the purposes of collective bargaining, and that pursuant to Sections 26 and 27 of Act No. 176 of the Public Acts of 1939, as amended, or Sections 11 and 12 of Act 336 of the Public Acts of 1947, as amended, the said organization is the exclusive representative of all the employees in such unit for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.

Unit: All home-based child care providers including: group day care providers, family day care providers, relative care providers and day care aides, who provide child care services under the Michigan Child Development and Care Program and other programs and child care services undertaken by MHBCCC

Excluding: office clericals, managerial, professional and supervisory employees, and all those employees employed in the State Classified and non-Classified Civil Service

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Christine A. Dordanian

November 27, 2006

COPY TO:
Michigan Home Based Child Care Council
Child Care Providers Together MI AFSCME/UAW
Mediation Office
file

Child Care Providers Together Michigan
Contract Ratification Election Results

Child Care Providers Together Michigan, a joint organizing campaign of AFSCME and the UAW, conducted a mail ballot election to ratify the tentative agreement reached with the Michigan Home Based Child Care Council.

Ballots were mailed by the Unions to all eligible voters with instructions to vote "yes" to approve and ratify the agreement or "no" to reject the agreement. The ballot was to be placed by the employee into an inner envelope marked Secret Ballot, sealed and placed into a return envelope with postage prepaid and mailed via the United States Postal Service to the Unions. Employees who did not receive a ballot were instructed to contact the Unions and were provided with another ballot kit, the return envelope of which was marked with the word "Duplicate."

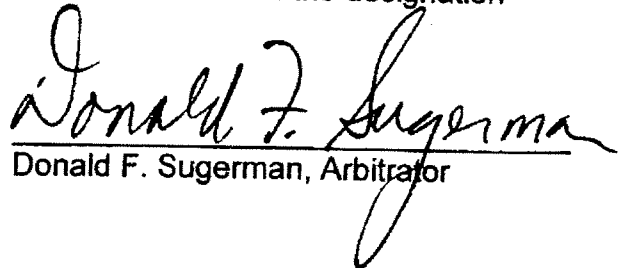
On December 19, 2007, I observed the ballot counting process for this mail ballot election. First, the return envelopes were examined. They appeared to be intact, in the original envelopes and no tapering could be observed. Second, the envelopes were put into alphabetical order. If there was an original and a duplicate ballot from the same voter, (one or two instances) it was segregated and only one vote counted. Third, the outer envelopes were opened mechanically and the secret ballots were removed from the inner envelopes and commingled to maintain the secrecy of the vote. Fourth, the ballots were unfolded and counted. Each batch of ten were stapled and then banded in bundles of fifty.

The results were as follows:

Yes: 4806

No: 78

Spoiled Ballots: 22 (These include a ballot that had been photocopied, ballots containing no designation of yes or no, and ballots on which the designation could not be determined).


Donald F. Sugerman, Arbitrator